

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP D. HATTEN,

Defendant.

4:11CR3088

ORDER

Defendant has moved for an RRC placement at Dismas in Kearney, Nebraska. Judge Gerrard has approved the placement subject to a hearing before the undersigned magistrate judge, if warranted.

The government does not object to Defendant's motion for RRC placement at Dismas. Under the Bail Reform Act, the court is not authorized to address issues of detention, *sua sponte*, absent evidence of nonappearance or obstruction of justice. Upon review of the allegations within the pending petitions, neither of these issues have been raised by the defendant's supervising officer. As such, a hearing is unnecessary.

Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to review detention, (Filing No. 87), is granted.
- 2) Defendant remains subject to all terms and conditions of release imposed by his sentencing judge, with the following additional condition:

Defendant shall be released to RRC at Dismas in Kearney, Nebraska. He shall fully comply with the requirements and rules of the Dismas facility. If the defendant is discharged from the facility for

any reason whatsoever, or leaves the premises of the facility without authorization, Defendant shall promptly report to the supervising officer or to any law enforcement officer. In addition, irrespective of whether Defendant self-reports upon discharge or leaving the facility, the United States Marshal, and/or any law enforcement officer is hereby authorized and ordered to take the defendant into custody and detain the defendant pending a prompt hearing before the court.

- 3) The defendant shall arrive at Dismas on June 9, 2021. Defense counsel shall communicate with the Marshal regarding the arrangements for Defendant's transport to Dismas.

Dated this 2nd day of June, 2021.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge